UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,510	01/27/2004	Myoung-soon Choi	Q78873	9955

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EXAMINER
NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
2161	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/764,510	CHOI, MYOUNG-SOON
	Examiner	Art Unit	
	CamLinh Nguyen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 December 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office Action is response to amendment filed on 12/12/2006.

2.   Applicant's amendments to claims 1 – 36 are acknowledged. Consequently, rejection to

claims 1 – 14 under 35 U.S.C. 101 is withdrawn; claims 1 – 36 are currently pending.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1 – 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Mercer et al

(U.S. 7,043,477 B2).

♦ As per claims 1, 15

Mercer discloses a method of managing a media file database (DB), the method is performed by

a media file DB managing system, the method comprising:

-      " Searching for media files" corresponds to the media file that the user input to the

    system (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).

-     " Creating file directories based on metadata of the media files" corresponds to the

    directory that the user creates (col. 7, line 67, Fig. 2A, col. 5, lines 40 – 48 of Mercer).

    The metadata corresponds to the metadata that the system obtains from the media file

    (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).

- "Displaying a tree structure of the created file directories" See Fig. 2A, fig. 6, Fig. 7.

  Mercer teaches that in one example "the menu/playlist structure is displayed as a

  scrolling tree-view with check boxes next to each menu or playlist item" (col. 10, line48

  – 49). Therefore, Mercer clearly teaches the claim invention "a tree structure".

- " And creating link files for the media files in the file directories" corresponds to the

  pointer that links to another location (See col. 5, lines 15 – 16, col. 6, lines 43 – 50, col. 7,

  lines 8 – 10, col. 19, lines 35 - 40 of Mercer).

♦ As per claim 2,

Mercer discloses a method of managing a media file database (DB), the method is performed by

a media file DB managing system, the method comprising:

- " Searching for media files" corresponds to the media file that the user input to the

  system (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).

- " Creating file directories based on metadata of the media files" corresponds to the

  directory that the user creates (col. 7, line 67, Fig. 2A, col. 5, lines 40 – 48 of Mercer).

  The metadata corresponds to the metadata that the system obtains from the media file

  (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).

- "Displaying a tree structure of the created file directories" See Fig. 2A, fig. 6, Fig. 7.

  Mercer teaches that in one example "the menu/playlist structure is displayed as a

  scrolling tree-view with check boxes next to each menu or playlist item" (col. 10, line48

  – 49). Therefore, Mercer clearly teaches the claim invention "a tree structure".

- " And copying the media files to the file directories as copied media files" corresponds to

  the directory that stores all the files within it (see col. 22, lines 42 – 44, Fig. 15 – 16 of

Mercer). See Fig. 1, the file is load into the computer 110. Mercer teaches that " the

computer 102 stores media content on a computer readable medium 110 for use by a

media player program associated with a consumer electronic device 112". Therefore, the

files must be copied to the file directories as copied media files.

♦ As per claims 3, 17, Mercer discloses:

- "Wherein the searching for the media files comprises executing a media file management

    program" corresponds to the software program in the Mercer system that creates the

    directory (col. 6, lines 60 – 63, col. 4, lines 39 – 42 of Mercer).

♦ As per claims 4 - 5, 18 – 19, Mercer discloses:

- "Wherein in the searching for the media files further comprises setting a search range for

    the media files and searching for the media files within the set search range" See Fig. 7,

    wherein the user can set the search range such as songs by artist, by album or by genre.

♦ As per claims 6, 20, Mercer discloses:

- "Wherein in the creating the file directories, the file directories are created based on

    criteria set by a user and metadata corresponding to the criteria" See Fig. 2A, col. 5, lines

    40 – 62, Fig. 5, col. 7, lines 58 – 67 of Mercer.

♦ As per claims 7, 21, Mercer discloses:

- "Wherein the creating the file directories comprises editing a configuration of the file

    directories according to a selection of the user" See col. 10, lines 43 – 65 of Mercer.

♦ As per claims 8, 22, Mercer discloses:

- "Wherein in the creating the file directories, a file directory is created according to

    criteria set by a user and subdirectories are created by automatically classifying metadata

corresponding to the criteria" See col. 8, lines 41 – col.10, lines 40 wherein the user can create a directory according to criteria set by the user.

♦ As per claims 9 - 10, 12 – 13, 23 – 24, Mercer discloses:

- "Further comprising automatically updating the link files after repeating at regular intervals of time, the searching for the media files, the creating file directories, and the creating the link files" the system must update the information since the metadata is parsed whenever the media file is inputted to the system. If the file has changed the location the metadata must indicate it and the link will be updated.

♦ As per claims 11, 14, 25 - 26, Mercer discloses:

- "Wherein the searching for the media files comprises searching for media files stored in a first storage medium, the creating the file directories comprises creating a file directory in a second storage medium, and the creating link files comprises creating the link files for the media files in the second storage medium" See col. 5, lines 15 – 16, col. 6, lines 43 – 50, col. 7, lines 8 – 10, col. 19, lines 35 - 40 of Mercer.

♦ As per claims 15 - 16, Mercer discloses:

With similar limitations as in claim 1 further claims 15 - 16 comprising:

- " A search means" (Fig. 1 and 10 of Mercer).

- " A first storage means for storing the media files and metadata of the media files" corresponds to the memory in computer 102, Fig. 1, element 110, Fig. 10, element 134 of Mercer.

- " A control means" corresponds to the processing unit in Fig. 10 of Mercer.

- " A creation means" and "a copy means" corresponds to the processing unit in Fig. 10,

   col. 18, lines 1 - 11 of Mercer.

- " A display means" Fig. 10, element 180, 182, col. 18, lines 12 – 27 of Mercer.

♦ As per claims 27 – 28, Mercer discloses:

- " Windows explorer" See col. 1, lines 30 – 34, col. 17, lines 4 – 47 of Mercer.

♦ As per claims 29 - 36, Mercer discloses:

- " The file directories are created by level of the tree structure according to user selection"

   See Fig. 2A, fig. 6, Fig. 7. Mercer teaches that in one example "the menu/playlist

   structure is displayed as a scrolling tree-view with check boxes next to each menu or

   playlist item" (col. 10, line48 – 49). Therefore, Mercer clearly teaches the claim

   invention "a tree structure". Fig. 7 is an interface allowing the user to edit the directory.

   Therefore, the user can choose the level of the tree structure to edit the media.

Response to Arguments

5.   Applicant's arguments filed 12/12/2006 have been fully considered but they are not

persuasive.

♦ Applicant argues that Mercer does not disclose that the file directories generated according to

criteria are provided in the form of a tree structure to a user. The Examiner respectfully

disagrees.

Referring to Fig. 2A, fig. 6, Fig. 7, a tree structure is displayed. Mercer teaches that in

one example "the menu/playlist structure is displayed as a scrolling tree-view with check boxes

next to each menu or playlist item" (col. 10, line48 – 49). Therefore, Mercer clearly teaches the

claim invention "a tree structure".

♦ Applicant argues that Mercer does not disclose all of the files within the HIGHMAT directory

does not include the files corresponding to the media file, it fails to disclose the claimed feature

of copying the media files to the file directories as copied media files. The Examiner respectfully

disagrees.

Referring to Fig. 1, the file is load into the computer 110. Mercer teaches that " the

computer 102 stores media content on a computer readable medium 110 for use by a media

player program associated with a consumer electronic device 112". Therefore, the files must be

copied to the file directories as copied media files.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on (571) 272 - 4080. The fax phone number for the

organization where this application or proceeding is assigned is 571 – 273 - 8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161

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